

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

CIVIL MINUTES – GENERAL (Tucson Division)

Date: February 4, 2019

Civil Case No. CV 14-2543-CKJ

Title: Clark v. Tucson, City of

Present: Hon. Cindy K. Jorgenson

Deputy
Clerk: Sandra G. Fuller

Court
Reporter: Cheryl Cummings

ATTORNEY FOR PLAINTIFF:

ATTORNEYS FOR DEFENDANTS:

Jeffrey Jacobson

Michelle Saavedra, Renee Waters

PROCEEDINGS: Open Court Chambers Other

Motion in Limine Hearing. After discussing the issues with counsel, IT IS ORDERED:

Plaintiff's Motions in Limine Regarding Witness Testimony (Doc. 152):

1. Plaintiff's Motion in Limine Regarding Witness Ariane Phaneuf's Testimony: Plaintiff attests that she withdraws her objection to Ms. Phaneuf's testimony and **this issue is now moot.**
2. Plaintiff's Motion in Limine Regarding Witness Nikki Sprenger's Testimony: **Denied.**
3. Plaintiff's Motion in Limine Regarding Witness John Vincent's Testimony: **Denied.**
4. Plaintiff's Motion in Limine Regarding Witness Ken Brouillette's Testimony: **Denied.** Mr. Brouillette may testify consistent with the Court's April 25, 2018 Order regarding the remaining claims. (Doc. 131).
5. Plaintiff's Motion in Limine Regarding Witness Wayne Peate, M.D.'s Testimony: **Denied as moot.** The Parties stipulated that Dr. Peate may testify in his capacity as a custodian of record.
6. Plaintiff's Motion in Limine Regarding Witness Jeff Langejans, M.D.'s Testimony: **Denied as moot.**

Plaintiff's Motion in Limine For a Written Juror Questionnaire in Advance of Voir Dire (Doc. 154):

1. The Parties shall have until February 22, 2019 to meet-and-confer and provide the Court with a mutually agreeable proposed juror questionnaire.

Plaintiff's Motion to Strike Portions of Defendant's Response to Plaintiff's Motion in Limine For a Written Juror Questionnaire in Advance of Voir Dire (Doc. 157):

1. Plaintiff's Motion is **denied**.

Defendant's Motions in Limine 1, 2, and 3 (Doc. 147):

1. Defendant's Motion in Limine whether the Lack Of A Specific Policy For Expressing Milk At Work And/Or A Procedure For Submitting A Request For A Space To Express Milk Is Not A Violation Of Law: **The Court will take this matter under advisement.**
2. Defendant's Motion in Limine whether Carrie Clark Was Not Entitled To A Preferential Station Assignment Because Of Her Lactating Status: **Denied.**
3. Defendant's Motion in Limine whether Francis Kunz's Experience As Carrie's Mother And Her Experiences With Carrie's Two Sons Are Irrelevant: **The Court will take this matter under advisement.**

Defendant's Motions in Limine 4 and 5 (Doc. 148):

4. Defendant's Motion in Limine whether Carrie Clark Should Be Precluded From Testifying About Other Employees' Assignments Or The Alleged Reasons For Those Assignments: **Granted.**
5. Defendant's Motion in Limine whether Carrie Clark Should Be Precluded From Testifying About An Alleged Note Put On A Door At Station 6: **Granted.**

Defendant's Motions in Limine 6 and 7 (Doc. 149):

6. Defendant's Motion in Limine regarding Claimed retaliation against Captain Clark: **Denied as moot.**
7. Defendant's Motion in Limine regarding Captain Langejans: **Granted.**

Defendant's Motions in Limine 8 (Doc. 150):

8. Defendant's Motion in Limine regarding spousal privilege: **Granted.**

Defendant's Motions in Limine 9 (Doc. 151):

9. Defendant's Motion in Limine regarding Austin Clark's Medical Treatment: **Granted.**
10. Defendant's Motion in Limine regarding Comparator Employees (Camarena, Valenzuela, and DeCastro): **The Court will take this matter under advisement.**
11. Defendant's Motion in Limine regarding Testimony from Diana Benson: **Denied as moot.**
12. Defendant's Motion in Limine regarding Testimony from Union Representatives (Tamietti, North, and Tamietti): **The Court will take this matter under advisement.**
13. Defendant's Motion in Limine regarding Testimony from Other Witnesses (Campbell, Conger, and Brown): **The Court will take this matter under advisement.**
14. Defendant's Motion in Limine regarding Testimony of Dr. Patricia Haynes: **Granted.**
15. To the extent counsel agree that additional depositions are required, discovery may be re-opened.
16. A final pretrial conference is set for March 19, 2019 at 11:00 AM.

Motion in Limine Hearing: 150 minutes
(10:14 a.m. – 12:01 p.m.) (2:30 p.m. – 3:13 p.m.)